S.B.Cr.Misc. Bail App. No. 5078/2007
(Smt. Mathri Bai Vs. State of Rajasthan)

Date of order : 26/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Mahipal Vishnoi for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that there was a secret information regarding trading in illicit liquor against Gopal Dangi, Pappusingh and Indersingh, but so far as the present petitioner is concerned, she has nothing to do. Even from the site map and seizure memo, it appears that at the time of recovery there were only three persons Gopal Dangi, Pappusingh and Indersingh and by seeing the Excise Party, they ran away. Thereafter in the compound in a room situated, the petitioner was found along with her two minor children but the door was closed. However, with the aid of the police constable the door was got opened and found that the petitioner and her two children were residing in that room. At any rate, there was no allegation that it was the petitioner who was trading in illicit liquor.

Looking to the facts and circumstances of the case and the fact that the offence is triable by a Court of Judicial Magistrate and the trial is likely to take time and the case of the present petitioner is

distinguishable from that of three accused persons named above, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Mathri Bai W/o Gopal Dangi be released on bail in FIR No. 201/07 P.S. Bhadsoda, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP